IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No.4041 of 2005

In

Criminal Writ Petition No.188 of 2003

Shri Indermal S.Jain ..Applicant

V/s

Sanjay Kumar Vastimalji Jain

and Ors. ..Respondents

Shri S.V.Marwadi for Applicant

Shri Rajiv Patil for Respondent no.1

Shri B.H.Mehta,APP for State

CORAM:A.S.AGUIAR,J.

DATED:5th October 2005

P.C.:-

1. Heard the learned Advocate for the Applicant as well as Advocate for Respondent no.1 and A.P.P. for State.

2. It is pointed out that the order of this Court dated 21-7-2004 directing the Sessions Court to return the complaint filed by the complainant for presentation to the proper Court is infractuous as in fact the

complaint is pending before the Metropolitan Magistrate, 28th Court, Esplanade which is the property court in view of the order of this Court (Tahilramani J) dated 5-7-2002 in Criminal Writ Petition No.519/2000 . The order of this Court dated 21-7-2004 is accordingly modified. The Metropolitan Magistrate, 28th Court, Esplanade is directed to proceed with the trial expeditiously.

3. Application disposed of accordingly.

(A.S.AGUIAR,J.)